



## Council Report

To: The Honorable Mayor and City Council

From: Roland C. Galdos, Interim City Attorney

Date: September 8, 2015

RE: Proposed Resolution Ratifying Foreclosure of Code Enforcement Liens

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI, FLORIDA,  
AUTHORIZING THE CITY ATTORNEY TO TAKE ALL  
LEGAL ACTION NECESSARY, INCLUDING INITIATING  
ANY AND ALL LITIGATION, IN LAW OR IN EQUITY, TO  
FORECLOSE ON THE PROPERTY LOCATED AT 12350  
N.E. 6 AVENUE, NORTH MIAMI, FLORIDA; PROVIDING  
FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

### **RECOMMENDATION**

It is recommended that the Mayor and City Council approve the attached resolution ratifying the foreclosure of code enforcement liens which are attached to non-homestead property.

### **BACKGROUND**

The City of North Miami currently has ten (10) unpaid code enforcement liens which exist on the non-homestead property located at 12350 N.E. 6 Avenue. The City's liens total over \$228,664.00 and the property is currently assessed at approximately \$283,000.00. A recent title search of the subject property revealed that it does not have any recorded mortgages but does have tax liabilities for unpaid ad valorem taxes in the amount of \$14,349.91.

### **Attachments**

Proposed Resolution.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO TAKE ALL LEGAL ACTION NECESSARY, INCLUDING INITIATING ANY AND ALL LITIGATION, IN LAW OR IN EQUITY, TO FORECLOSE ON THE PROPERTY LOCATED AT 12350 NE 6<sup>TH</sup> AVENUE, NORTH MIAMI, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, Section 21-66 of the City of North Miami ("City") Code of Ordinances provides that the Mayor and City Council may authorize the City Attorney to initiate litigation to foreclose on code enforcement liens and to file litigation seeking a money judgment; and

**WHEREAS**, the City has identified a parcel of property located at 12350 NE 6<sup>th</sup> Avenue ("Property") which is in severe disrepair constituting a blight on the community with substantial outstanding code enforcement liens that they recommend foreclosure litigation be filed against; and

**WHEREAS**, the City has approximately ten (10) liens against the property which total over Two Hundred Twenty-Eight Thousand Six Hundred Sixty-Four Dollars (\$228,664.00) and the property is currently assessed at approximately Two Hundred Eighty-Three Thousand Dollars (\$283,000.00); and

**WHEREAS**, the property is a non-homestead property with no mortgage with tax liabilities for unpaid ad valorem taxes in the amount of Fourteen Thousand Three Hundred Forty-Nine Dollars and 91/100 (\$14,349.91); and

**WHEREAS**, court costs to initiate foreclosure litigation are estimated at One Thousand Six Dollars (\$1,006.00); and

**WHEREAS**, the Mayor and City Council, after being fully advised, have determined that it is in the best interest of the City and its residents to proceed to litigation against the recommended parcel of property.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Authorization to City Attorney.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Attorney to initiate litigation for foreclosure of code enforcement liens and money judgment against the property located at 12350 NE 6<sup>th</sup> Avenue, North Miami, Florida.

**Section 2. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
ROLAND C. GALDOS, ESQ.  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Alix Desulme  
Councilman Philippe Bien-Aime

_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)